

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00355-BAH**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF JUSTICE

Assigned to: Chief Judge Beryl A. Howell

Demand: \$0

Cause: 05:552 Freedom of Information Act

Plaintiff

AMERICAN OVERSIGHT

Date Filed: 02/15/2018

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

represented by **Emma Lewis**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
202-919-6303
Email: emma.lewis@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cerissa Cafasso
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5244
Fax: (202) 871-6523
Email: cerissa.cafasso@americanoversight.org
TERMINATED: 11/01/2019

Katherine Marie Anthony
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-3918
Fax: (202) 871-6523
Email: katherine.anthony@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Michelle D. Jackson**
U.S. ATTORNEY'S OFFICE
Homicide Section
555 Fourth Street, NW
Washington, DC 20530
202-252-7230
Email: Michelle.D.Jackson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Denise M. Clark
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-6605
Fax: (202) 252-2599

Email: denise.clark@usdoj.gov
TERMINATED: 11/26/2019

Joshua M. Kolsky
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2541
Fax: (202) 252-2599
Email: joshua.kolsky@usdoj.gov
TERMINATED: 04/13/2018

Date Filed	#	Docket Text
02/15/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5334920) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Cafasso, Cerissa) (Entered: 02/15/2018)
02/15/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 02/15/2018)
02/15/2018		Case Assigned to Chief Judge Beryl A. Howell. (zsth) (Entered: 02/16/2018)
02/16/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 02/16/2018)
02/16/2018	<u>4</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on February 16, 2018. (lcbah4) (Entered: 02/16/2018)
03/20/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/26/2018. (Answer due for ALL FEDERAL DEFENDANTS by 3/28/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 2/26/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/26/2018. (Attachments: # <u>1</u> Exhibit A)(Cafasso, Cerissa) (Entered: 03/20/2018)
03/28/2018	<u>6</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of U.S. DEPARTMENT OF JUSTICE (Kolsky, Joshua) (Entered: 03/28/2018)
03/28/2018	<u>7</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF JUSTICE.(Kolsky, Joshua) Modified to add link on 3/29/2018 (znmw). (Entered: 03/28/2018)
04/11/2018	<u>8</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Kolsky, Joshua) (Entered: 04/11/2018)
04/12/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>8</u> Joint Meet and Confer Report, that the parties file, by May 11, 2018, a further joint status report containing (1) the defendant's estimate of when the agency expects a final determination to be made, and (2) a proposed schedule for the filing of dispositive motions. See this Court's <u>4</u> Standing Order, paragraph 3(b)(ii). Signed by Chief Judge Beryl A. Howell on April 12, 2018. (lcbah2) (Entered: 04/12/2018)
04/12/2018		Set/Reset Deadlines: Joint Status Report due by 5/11/2018. (tg) (Entered: 04/12/2018)
04/13/2018	<u>9</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Denise M. Clark on behalf of All Defendants Substituting for attorney Joshua M. Kolsky (Clark, Denise) (Entered: 04/13/2018)
05/11/2018	<u>10</u>	Joint STATUS REPORT by U.S. Department of Justice and by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 05/11/2018)

05/11/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>10</u> Joint Status Report, that the parties file, by June 11, 2018, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on May 11, 2018. (lcbah2) (Entered: 05/11/2018)
05/14/2018		Set/Reset Deadlines: Joint Status Report due by 6/11/2018. (tg) (Entered: 05/14/2018)
06/11/2018	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Clark, Denise) (Entered: 06/11/2018)
06/12/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>11</u> Joint Status Report, that the parties file, by July 25, 2018, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on June 12, 2018. (lcbah2) (Entered: 06/12/2018)
06/12/2018		Set/Reset Deadlines: Joint Status Report due by 7/25/2018. (tg) (Entered: 06/12/2018)
07/25/2018	<u>12</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 07/25/2018)
08/10/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>12</u> Joint Status Report, that the parties file, by September 25, 2018, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on August 10, 2018. (lcbah2) (Entered: 08/10/2018)
08/13/2018		Set/Reset Deadlines: Joint Status Report due by 9/25/2018. (tg) (Entered: 08/13/2018)
09/25/2018	<u>13</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 09/25/2018)
09/26/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>13</u> Joint Status Report, that the parties file, by December 18, 2018, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on September 26, 2018. (lcbah2) (Entered: 09/26/2018)
09/26/2018		Set/Reset Deadlines: Joint Status Report due by 12/18/2018. (tg) (Entered: 09/26/2018)
12/18/2018	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Clark, Denise) (Entered: 12/18/2018)
12/18/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>14</u> Joint Status Report, that the parties file, by March 4, 2019, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on December 18, 2018. (lcbah2) (Entered: 12/18/2018)
12/19/2018		Set/Reset Deadlines: Joint Status Report due by 3/4/2019. (tg) (Entered: 12/19/2018)
03/04/2019	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Clark, Denise) (Entered: 03/04/2019)
03/04/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>15</u> Joint Status Report, that the parties file, by April 4, 2019, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on March 4, 2019. (lcbah2) (Entered: 03/04/2019)
03/04/2019		Set/Reset Deadlines: Joint Status Report due by 4/4/2019. (tg) (Entered: 03/04/2019)
04/04/2019	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Clark, Denise) (Entered: 04/04/2019)
04/04/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>16</u> Joint Status Report, the parties file, by May 10, 2019, a joint status report advising the Court whether any disputes remain between the parties and if so, a proposed schedule to govern further proceedings. Signed by Chief Judge Beryl A. Howell on April 4, 2019. (lcbah2) (Entered: 04/04/2019)
04/04/2019		Set/Reset Deadlines: Joint Status Report due by 5/10/2019. (tg) (Entered: 04/04/2019)

05/10/2019	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Clark, Denise) (Entered: 05/10/2019)
05/13/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>17</u> Joint Status Report, that the parties file, by June 24, 2019, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on May 13, 2019. (lcbah2) (Entered: 05/13/2019)
05/13/2019		Set/Reset Deadlines: Joint Status Report due by 6/24/2019. (tg) (Entered: 05/13/2019)
06/24/2019	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Clark, Denise) (Entered: 06/24/2019)
06/25/2019		MINUTE ORDER (paperless) ISSUING, in accordance with the parties' <u>18</u> Joint Status Report, the following SCHEDULING ORDER: (1) by August 7, 2019, the defendant Department of Justice shall file its motion for summary judgment, unless a joint stipulation of dismissal is filed by that date; (2) by September 13, 2019, the plaintiff American Oversight shall file its opposition and cross-motion for summary judgment; (3) by October 4, 2019, the defendant shall file its reply and opposition; and (4) by October 25, 2019, the plaintiff shall file its cross-reply. Signed by Chief Judge Beryl A. Howell on June 25, 2019. (lcbah2) (Entered: 06/25/2019)
06/26/2019		Set/Reset Deadlines: Defendant's motion for summary judgment due by 8/7/2019. Plaintiff's opposition and cross-motion for summary judgment due by 9/13/2019. Defendant's reply and opposition due by 10/4/2019. Plaintiff's cross-reply due by 10/25/2019. (hmc) (Entered: 06/26/2019)
08/05/2019	<u>19</u>	MOTION to Modify <i>Existing Briefing Schedule</i> by U.S. DEPARTMENT OF JUSTICE (Clark, Denise) (Entered: 08/05/2019)
08/05/2019		MINUTE ORDER (paperless) GRANTING the government's unopposed <u>19</u> Motion to Modify the Existing Briefing Schedule, and ISSUING the following SCHEDULING ORDER: (1) by September 30, 2019, the defendant Department of Justice shall file its motion for summary judgment; (2) by October 25, 2019, the plaintiff American Oversight shall file its opposition and cross-motion for summary judgment; (3) by November 15, 2019, the defendant shall file its reply and opposition; and (4) by December 6, 2019, the plaintiff shall file its cross-reply. Signed by Chief Judge Beryl A. Howell on August 5, 2019. (lcbah2) (Entered: 08/05/2019)
08/06/2019		Set/Reset Deadlines: Summary Judgment motion due by 9/30/2019; Cross-Motion and Opposition to Motion for Summary Judgment due by 10/25/2019; Opposition to Cross-Motion for Summary Judgment and Reply to Opposition to Motion for Summary Judgment due by 11/15/2019; Reply to Opposition to Cross-Motion for Summary Judgment due by 12/6/2019. (tg) (Entered: 08/06/2019)
09/30/2019	<u>20</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration Timothy Ziese, # <u>3</u> Exhibit A-L, # <u>4</u> Table of Contents, # <u>5</u> Table of Authorities)(Clark, Denise) (Entered: 09/30/2019)
10/21/2019	<u>21</u>	NOTICE of Appearance by Emma Lewis on behalf of AMERICAN OVERSIGHT (Lewis, Emma) (Main Document 21 replaced on 10/22/2019) (zrdj). (Entered: 10/21/2019)
10/22/2019	<u>22</u>	Consent MOTION to Vacate Order on Motion to Modify,, <i>Summary Judgment Briefing Schedule</i> by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 10/22/2019)
10/22/2019		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>22</u> Consent Motion to Vacate Briefing Schedule requesting time to confer about whether disputes remain; VACATING the scheduling order entered on August 5, 2019; and further DIRECTING that the parties file, if no stipulation of dismissal has been filed by then, by December 6, 2019, a joint status report advising the Court whether any disputes remain between the parties and, if so, a proposed schedule to govern further proceedings. Signed by Chief Judge Beryl A. Howell on October 22, 2019. (lcbah2) (Entered: 10/22/2019)

10/22/2019		Set/Reset Deadlines: Joint Status Report due by 12/6/2019. (tg) (Entered: 10/22/2019)
11/01/2019	<u>23</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN OVERSIGHT. Attorney Cerissa Cafasso terminated. (Cafasso, Cerissa) (Entered: 11/01/2019)
11/01/2019	<u>24</u>	NOTICE of Appearance by Katherine Marie Anthony on behalf of AMERICAN OVERSIGHT (Anthony, Katherine) (Entered: 11/01/2019)
11/26/2019	<u>25</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Michelle D. Jackson on behalf of All Defendants Substituting for attorney Denise M. Clark (Jackson, Michelle) (Entered: 11/26/2019)
12/05/2019	<u>26</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Jackson, Michelle) (Entered: 12/05/2019)
12/05/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>26</u> Joint Status Report, that the parties file, by January 17, 2020, if no stipulation of dismissal has been filed by then, a further joint status report advising the Court whether any disputes remain between the parties and, if so, a proposed schedule to govern further proceedings. Signed by Chief Judge Beryl A. Howell on December 5, 2019. (lcbah2) (Entered: 12/05/2019)
12/05/2019		Set/Reset Deadlines: Joint Status Report due by 1/17/2020. (tg) (Entered: 12/05/2019)